REMARKS

By the present amendment, claim 6 has been amended. This amendment only corrects a typographical error. The amendment does not add prohibited new matter and is fully supported by the specification, as evidenced at least by claims 1-5 and 7, which also recite "GPC3" as opposed to merely "GPC."

Restriction Requirement

In the Restriction Requirement, the Examiner alleges that the claims are directed to more than one inventive concept. The Examiner further asserts that these claims lack unity of invention because they do not share a special technical feature and they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Election

In order to be responsive to the requirement for restriction, Applicants elect Group II (Claims 3-7), with traverse.

Traverse

Notwithstanding the election of the claims of Group II, in order to be responsive to the Restriction Requirements, Applicants respectfully traverse the Examiner's requirement for restriction.

Applicants respectfully submit that the Restriction Requirement fails to satisfy the requirements for supporting a restriction requirement under the PCT Rules. PCT Rules 13.1 and 13.2 state that an international application must relate to one invention only or, if there is more than one invention, those inventions must be so linked as to form a single general inventive concept (Rule 13.1). Inventions are considered linked so as to form a single general inventive concept only when there is a technical relationship involving one or more of the same or corresponding "special technical features." The expression "special technical features" means those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art (Rule 13.2).

Applicants note that this application is an application filed under 35 U.S.C. § 371 and that unity of invention requirements apply. The Examiner's attention is respectfully directed to MPEP 1850 and 37 CFR § 1.475, which explicitly sets forth that "[a]n international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn [] to. . .[a] process and an apparatus or means specifically designed for carrying out the said process . . . ." The claims of the present application involve a method for detecting

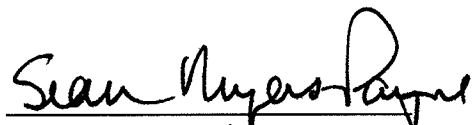
malignant melanoma and a kit for diagnosing malignant melanoma using the claimed method. Applicants submit that the restriction requirement is deficient because it does not refer to 37 C.F.R. § 1.475.

Additionally, Applicants respectfully note that the sole basis for the restriction requirement is the Office's reliance on Nakatsura et al., *Clinical Cancer Research* Vol. 10: 6612-6621 (October 1, 2004), which the Office asserts shows that the common feature between the Groups is disclosed in the prior art. Initially, Applicants respectfully note that the publication date of Nakatsura et al. is October 1, 2004, not October 1, 2003 as stated by the Office and incorrectly shown in the Form PTO-892 attached to the Office Action. Applicants further respectfully remind the Office that, because Nakatsura et al. is the sole basis for the Office's conclusion that a lack of unity exists, the Office will be required to withdraw its conclusion of lack of unity and examine all pending claims upon a conclusion the Nakatsura et al. does not disclose the claimed invention or is not available as prior art. In this regard, Applicants expressly reserve the right to rebut any art-based rejections made on the basis of Nakatsura et al., if such rejections are made.

For at least the foregoing reasons, Applicants submit that the Examiner's restriction requirement is improper, and should be withdrawn.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
Yasuharu NISHIMURA et al.



Bruce H. Bernstein
Reg. No. 29,027 42,920

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191